

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

MARSHA R. BENNIE,

Plaintiff,

v.

BOCA RATON REGIONAL
HOSPITAL, INC, A Florida
Corporation.

Defendant.

_____ /

COMPLAINT

Plaintiff, **Marsha R. Bennie** (hereinafter referred to as “Plaintiff” or “Ms. Bennie”), by and through her undersigned attorney, **sue** Defendant **Boca Raton Regional Hospital, Inc. A Florida Corporation** (hereinafter referred to as “Defendant” or “Hospital”) for damages in this Complaint in excess of \$ 75, 000 for violations of her civil rights occurring during her employment relationship with Defendant. Plaintiff sues Defendant under Title VII of the Civil Rights Act of 1964 and 1991, as amended, 42 U.S.C. Section 2000e *et seq.* (“Title VII”), the Civil

Rights Act of 1871, as amended, and the Florida Civil Rights Act of 1992, Section 760.01 *et seq.*, Florida Statutes (“FCRA”). the Civil Rights Act of 1871, as amended, 42 U.S.C. Section 1981 (“Section 1981”).

JURISDICTION AND VENUE

1. This Court’s jurisdiction is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337 and 1343. This action arises under 42 U.S.C. Sections 2000e *et seq.* This action arises under 42 U.S.C. Sections 1981 and 1981a.

2. This Court has supplemental jurisdiction over Plaintiff state law claims pursuant to 28 U.S.C. Section 1367.

3. Plaintiff has exhausted her administrative remedies. Plaintiff filed a charge of discrimination with the United States Equal Employment Opportunity Commission (“EEOC”); based upon Race (See attached Ex “A”). Plaintiff initiated this action within ninety days of receipt of the Notice of Right to Sue.

4. Pursuant to 28 U.S.C. Section 1391, venue of this action is proper in the Southern District of Florida. The causes of actions contained in this complaint accrued in Palm Beach County, Florida, within the purview of the Southern District of Florida.

PARTIES

5. Defendant is duly organized under the State of Florida, as a Florida Corporation.

6. The violations described in the complaint resulted from the policies, customs, patterns, and practices of named government agencies and employees,

FACTUAL ALLEGATIONS

7. At all times material hereto, Plaintiff, a Black/African-American has been employed by Defendant as a Physical Therapist and has held the position since she began her employment until her wrongful termination on , and retaliatory actions by the Defendant described

herein.

DISPARATE TREATMENT BASED UPON RACE ALLEGATIONS

8. The Plaintiff who complained to Management regarding her disparate

treatment as her comparators, were treated differently in terms of their employment assignments. The Plaintiff was the only Black/African-American Physical Therapist in the Inpatient Rehab Department.

RETALIATION / TERMINATION RACE ALLEGATIONS

9. The Plaintiff was disciplined as a retaliatory measure due to her previous complaints to the Human Resources, Management, and Supervisors. The disciplines were false in narrative and did not support the facts, but the Defendant used these false disciplines to terminate the Plaintiff without grounds, and done strictly to retaliate against her. The Defendant retaliated against her by terminating her on July 26, 2022.

10. The Plaintiff is responsible for reasonable attorney fees.

COUNT I

DEFENDANTS HAVE VIOLATED TITLE VII
(Disparate Treatment)

11. Plaintiff adopts and re-alleges paragraphs 1-10 above as if incorporated herein.

12. Plaintiff is a member of a protected class because of her race.

13. The Defendant is an employer that employs over 50 people, and is subject to 42 U.S.C. Section 2000e et seq.

14. Defendant treated Plaintiff with disparate treatment in the terms and conditions of her employment as outlined in paragraphs above .

15. The Defendant has intentionally discriminated against the Plaintiff in particular in violation of Title VII, 42 U.S.C. Section 2000e et seq. by disparate treatment of Plaintiff as outlined in paragraphs above .

16. The effect of the actions complained of as aforementioned has been to deprive the Plaintiff of equal employment opportunities, and otherwise to adversely affect his status as an employee as outlined in paragraphs above.

17. The unlawful employment practices complained of were intentional as outlined in paragraphs above.

18. The unlawful employment practices against the Plaintiff were done with malice or reckless indifference to the Plaintiff's federally protected rights as outlined in paragraphs above.

19. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiff was emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to his professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff requests this Court issue an order against Defendant awarding the Plaintiff compensatory damages, punitive damages, lost back pay, and/or front pay, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT II

DISCRIMINATION IN VIOLATION OF THE
FLORIDA CIVIL RIGHTS ACT

(DISPARATE TREATMENT)

20. Plaintiff adopts and re-alleges paragraphs 1-10 above as if incorporated herein.

21. Defendant discriminated against Plaintiff because of her race, in violation of the FCRA.

22. That the Defendant treated Plaintiff with disparate treatment in the terms and conditions of her employment as outlined in paragraphs above.

23. The Defendant has intentionally discriminated against the Plaintiff in particular in violation of FCRA by disparate treatment of Plaintiff as outlined in paragraphs above .

24. The effect of the actions complained of as aforementioned has been to deprive the Plaintiff of equal employment opportunities, and otherwise to adversely affect her status as previous employee as outlined in paragraphs above.

25. The unlawful employment practices complained of were intentional as outlined in paragraphs above.

26. The unlawful employment practices against the Plaintiff were done with malice or reckless indifference to the Plaintiff's state protected rights as outlined in paragraphs above.

27. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiff was emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff requests this Court issue an order against Defendant awarding the Plaintiff compensatory damages, punitive damages, lost back pay, and/or front pay, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT III

42 U.S.C. SECTION 1981-EQUAL RIGHTS UNDER THE LAW

28. Plaintiff adopts and re-alleges paragraphs above as if incorporated herein.

29. Defendant discriminated against the Plaintiff because of her race as Black/African-American in violation of 42 U.S.C. Section, by creating, tolerating and fostering a race hostile and abusive work environment. 1981 “ protects individuals from discrimination based race in making and enforcing contracts, participating in lawsuits, and giving evidence.” The Plaintiff was subjected to numerous breaches of her employment due to her race and in violation of 1981 by Defendant failing to treat Plaintiff without discriminatory basis as outlined in paragraphs above. That his comparators were not treated like the Plaintiff as described in as outlined in paragraphs above.

30. The Plaintiff was not provided the same terms, conditions and privileges as their Caucasian, Asian-Pacific, and Hispanic comparators as outlined in paragraphs above.

31. The Defendant has intentionally discriminated against Plaintiff

in violation of 1981 by disparate treatment of Plaintiff, and violation of her protected rights as defined under 1981 based upon his race as outlined in paragraphs above.

32. The effect of the actions complained of as aforementioned has been to deprive the Plaintiff of equal employment opportunities, and otherwise to adversely affect her status as employee because of her race as outlined in paragraphs above.

33. The unlawful employment practices complained of were intentional as outlined in paragraphs above.

34. The unlawful employment practices against the Plaintiff was done with malice or reckless indifference to the Plaintiff's federally protected rights as outlined in paragraphs above.

35. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiff was emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to their professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff requests this Court issue an order against Defendant awarding the Plaintiff compensatory damages, punitive damages,

lost back pay, and/or front pay, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT IV

**DEFENDANTS HAVE VIOLATED TITLE VII
(RETALIATION)**

36. Plaintiff adopts and re-alleges paragraphs 1-10 above as if incorporated herein.

37. Plaintiff is a member of a protected class because of her race.

38. The Defendant is an employer that employs over 50 people, and is subject to 42 U.S.C. Section 2000e et seq.

39. Defendant treated Plaintiff with disparate treatment in the terms and conditions of her employment as outlined in paragraphs above .

40. The Defendant has intentionally discriminated against the Plaintiff in particular in violation of Title VII, 42 U.S.C. Section 2000e et seq. by disparate treatment of Plaintiff as outlined in paragraph above .

41. The effect of the actions complained of as aforementioned has

been to deprive the Plaintiff of equal employment opportunities, and otherwise to adversely affect her status as an employee as outlined in paragraph above.

42. The unlawful employment practices complained of were intentional as outlined in paragraph above.

43. The unlawful employment practices against the Plaintiff were done with malice or reckless indifference to the Plaintiff's federally protected rights as outlined in paragraph above.

44. The Defendant retaliated against the Plaintiff as outline in paragraph above.

46. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiff was emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

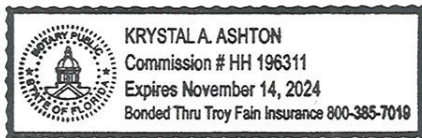
Wherefore, Plaintiff requests this Court issue an order against Defendant awarding the Plaintiff compensatory damages, punitive damages, lost back pay, and/or front pay, attorney's fees and costs, together with such other relief as this Court deems just and proper.

VERIFICATION CLAUSE

STATE OF FLORIDA.)

COUNTY OF Palm Beach)

BEFORE ME, the undersigned authority, personally appeared MARSHA BENNIE who, after being duly cautioned and sworn, deposes and says that he/she has read the above Complaint attached hereto and the information contained in the Complaint is true and correct.




Marsha Bennie

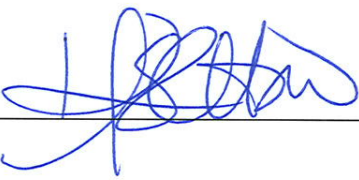
The foregoing instrument is sworn to and subscribed before me this 17th day

Of July, 2023, by MARSHA BENNIE, who is

1. _____ Personally known to me.
2. ✓. Who has produced the following as identification:

FL DL B500556766250

Given under my hand and official seal this 17th day of July, 2023.



Notary Public State of Florida at
Large

My Commission Expires 11/14/2024.

DATED July 18, 2023

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demand a trial by jury on all issues triable of rights by a jury.

Respectfully submitted,

Discrimination Law Center, P.A.
433 Plaza Real, Suite 275
Boca Raton, Florida 33432
(561) 271-1769 tel.

By: /s/Jay F. Romano
Jay F. Romano
Trial Attorney